

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRUZ ALBERTO-ARBARNGAS,

a/k/a Cruz Alvarenga-Alberto

a/k/a Cruz Octaviano Alberto-Alvarenga

a/k/a Cruzito

Defendant.

CASE NO. 2:17-CR-164(5)

JUDGE EDMUND A. SARGUS, JR.

GOVERNMENT’S REQUEST FOR NOTICE OF ALIBI DEFENSE

The United States, by and through undersigned counsel, and pursuant to Federal Rule of Criminal Procedure 12.1(a)(1), requests the defendant to provide notice of any intended alibi defense with respect to Count 3 from the Second Superseding Indictment, which charges the defendant with murder in aid of racketeering for causing the death of Wilson Villeda. (*See* Doc. #179, ¶¶ 102-103). In accordance with Rule 12.1(a)(1), the Government asserts that this offense took place beginning on the evening of November 14, 2015, and carrying into the early morning hours of November 15, 2015, in and around 3350 Anita Street, Columbus, Ohio, and the adjoining woods of Innis Park.

The Government respectfully requests that the Court order the defendant to provide written notice of any intended alibi defense on or before May 24, 2021, when this trial is scheduled to commence. In accordance with Rule 12.1(a)(2), the Government requests that any notice of an intended alibi defense must state “each specific place where the defendant claims to have been at the time of the alleged offense,” as well as “the name, address, and telephone number of each alibi witness on whom the defendant intends to rely.” Fed. R. Crim. P. 12.1(a)(2)(A)-(B).

Should the defendant fail to provide a notice of intended alibi defense by the start of trial, the Government respectfully requests the Court “to exclude the testimony of any undisclosed witness regarding the defendant’s alibi,” in accordance with Rule 12.1(e), while recognizing that the defendant could always testify on his own behalf in this regard. Fed. R. Crim. P. 12.1(e).

Respectfully submitted,

VIPAL J. PATEL
UNITED STATES ATTORNEY

s/Noah R. Litton

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Request for Notice of Alibi Defense was served electronically this 13th day of May, 2021, upon all counsel of record.

s/Noah R. Litton

NOAH R. LITTON (0090479)

Assistant United States Attorney